



3626 #
c.e

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: HAMMER, Mordechai

Serial No. : 08/894,211

Filed : July 30, 1997

For : EXTENSIBLE AND RETRACTABLE ELEMENTS AND
VARIOUS USES FOR THE ELEMNTS

REMARK

PLEASE CANCEL THE
EARLYER FAX AND
USE THIS ONE
AS MY RESPONSE.

M. Hammer

Group Art Unit 3626
Examiner: WALSH, JHONE B

P.O.Box 6749
Ramat-Gan, 52167
ISRAEL

RECEIVED

JAN 12 2004

December 15, 2003

GROUP 3600

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

RESPONSE TO THE OFFICE ACTION MAILED
JUNE 16, 2003

In response to the Office Action mailed June 16, 2003, (per Examiner, a Non-final Action)
kindly read the points in the response as follows:

1. Applicant isn't sure that he understands the content of the examiner office action.
2. The applicant is representing himself now in this response.
3. The applicant asks for the understanding and help to his situation- as described in the telephone conversations with the Examiners Mr. John B. Wallsh and Mr. Anthony Knight.

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4. The applicant clarified in his telephone conversations to the Examiners that he fired his patent lawyer, Mr. Edward Langer, and that he is blaming him of cheating and fraud and that he caused to the applicant a lost of his patents.
5. The applicant clarified also to the Examiners, that he needs documents that he don't have, and that Mr. Langer holds all the documents in his possession.
6. The applicant wants to thank the Examiners for helping him by sending the documents.
7. After receiving the documents, (5 days before the last day - and not because any fault of the Examiners), applicant didn't understand what the Examiner wants him to respond to - in his last office action.
8. Applicant saw that most of the content of the last office action is from a previous office action filed 2 years ago.
9. In the beginning of his last office action, the Examiner wrote that:

"This is an office action in response to Request for Continuing examination and the amendment filed August 13, 2002. An action on the merits appears below." (the underline made by the applicant)

10. If the Examiner action response is to the "**amendment filed August 13, 2002**", why is this response containing paragraphs 3-9, 11-13 from the response of the former Examiner Mr. A. Knight to the amendment filed December 19, 2000 by the former patent lawyer Mr. Ed Langer ??? (and which Mr. Langer already answered them in his amendment from the date of July 16 , 2001)
11. The applicant want to indicate, that this last office action, is the same office action, word by word, in paragraphs 3-9, 11-13, that was written by the former Examiner Mr. Anthony Knight, from the date of January 19, 2001, two years ago.
12. Except of the opening and the closing paragraphs, and paragraphs 2, 10, and 14, - all of the paragraphs, 3-9, 11-13 , are the same – word by word.
13. The applicant is confused with this contrast and conflict between the first paragraph of the last office action and the other paragraphs 3-9, 11-13 in this office action.
14. The applicant didn't know how to write his response.
15. To what paragraphs did he needed to respond ???
16. What are the amendments and claims that he have been asked to change ?

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17. Is it the amendments and claims from the date of December 19, 2000 as written in paragraphs 3-9, 11-13 in the last office action ?? Or is it the amendments and claims from the date of August 13, 2002 as been written in the first paragraph???
18. In claim 1, In the amendments from the date of August 13, 2002, (which the Examiner sent to the applicant 2 day ago) , the phrase "hand-holdable" is **already in brackets, which means that it have been taken out already** - so what the applicant had to do with paragraphs 3-7 in the last office action ??? Is it allowed to respond to them again ???
19. In Paragraph 12 the Examiner rejected claim 4 .
20. But claim 4 is already canceled by Mr. Langer in the amendments from the date of August 13, 2002 – as the applicant can see from the documents that the Examiner sent him 2 days ago.
21. Is claim 4 still in the case ?
22. Can it be answered again by the applicant after the former patent lawyer Ed Langer (who was fired) decided to advise the applicant to cancel it and add it to claim 1 ???
23. The applicant was confused , not knowing from this last office action if the procedure starts again or continues from the point of the August 13, 2002 amendments.
24. As said before, the applicant didn't know what to do.
25. With this confusion, applicant decided to response only to paragraphs 2, about the abstract only, because he noticed that the abstract is more then 150 words and that there is no conflict is this paragraph.
26. Applicant is asking the Examiner, not to consider this last office action as a proper office action, and to cancel it and make a new office action instead.
27. The Applicant tried to do his best with these conflicts in this office action, and is asking not to consider his response as a response that needs to be counted in this procedure.
28. The new abstract is attached to the end of this response - as the last page.
29. The applicant wrote this response with all the respect to the Examiner and asks the understanding of the Examiner to his limited English - if anything was written not in the proper way.
30. The applicant will send this response today, December 15, 2003, by registered mail, fax, and by email to the Examiner's email address.

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31. Together with this response, the applicant attached the abstract, a petition for extension of 3 month, a credit card form in the amount of \$475.00 for the extension (as the Examiner told him to do)
32. Thanks again for the help.

Respectfully submitted

M. Hammer
Mordechai Hammer

Email: pat2pct@hotmail.com

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